



SAFETY --- Network

March 2006

www.michigan.gov/ohsp

VOL. 13, NO. 1

Michigan traffic deaths drop in 2005

Marks sixth year of declining traffic deaths

Traffic deaths in Michigan dropped approximately 2.6 percent in 2005, falling to 1,129, down 30 people from the previous year, according to just-released information from the Michigan State Police Criminal Justice Information Center (CJIC).

"The overall picture continues to be positive and encouraging," said Colonel Tadarial J. Sturdivant, director of the Michigan State Police. "My thanks to the continued support of our law enforcement community and traffic safety advocates who work diligently to ensure the safety of motorists day in and day out."



Drops were noted in several areas, including:

- Overall traffic crashes fell almost 6 percent, down from 373,028 in 2004 to 350,838 in 2005.
- Injuries declined approximately 9 percent, down from 99,680 in 2004 to 90,510 in 2005.
- Alcohol and/or drug involved fatalities dropped slightly, from 418 in 2004 to 408 in 2005.
- Deer-vehicle crashes declined about 6 percent, from 62,707 in 2004 to 58,741, the lowest number since 1994 when the state recorded 56,666 deer-vehicle crashes.

Despite the overall good news, motorcycle fatalities were up more than 50 percent from the previous year, from 79 in 2004 to 122 in 2005. This is the highest number of deaths since 1985 when the state recorded 142 motorcycle fatalities.

A preliminary review of motorcycle crash data does not provide insight into the large increase in deaths, but the Michigan Office of Highway Safety Planning is conducting a more thorough data analysis to identify factors contributing to the increase.

The crash data also shows:

- The number of crashes involving young drivers (ages 16 - 20) fell nearly 10 percent from 50,085 in 2004 to 44,968 in 2005.

	2004	2005	
Overall crashes	373,028	350,838	▼
Fatalities	1,159	1,129	▼
Injuries	99,680	90,150	▼
Deer-Vehicle crashes	62,707	58,741	▼
Motorcycle crashes	3,321	3,504	▲
Motorcycle fatalities	79	122	▲

- Pedestrian crashes dropped from 2,724 in 2004 to 2,565 in 2005. The number of pedestrians killed also fell, from 141 in 2004 to 139 in 2005.
- A 5.5 percent increase was noted in motorcycle crashes, from 3,321 in 2004 to 3,504 in 2005. The number of registered motorcycles in Michigan also continued to increase.

Despite overall improvements, motorcycle fatalities on the rise

Michigan's 2005 traffic crash picture has many bright spots, but one area has traffic safety proponents concerned for the safety of the state's motorcyclists.

Despite decreases in overall crashes, fatalities, and injuries, the state experienced an upsurge in motorcycle fatalities with a more than 50 percent increase over 2004. The 122 deaths in 2005 is the highest number of motorcycle fatalities since 1985 when the state recorded 142.

Michigan is not alone in this experience as motorcycle fatalities have been trending upward nationally since 1998. The state has been following this issue closely and conducted a study on the issue a couple of years ago.

According to Motorcycle Crash Trends in Michigan: 1997-2002, a study conducted by the University of Michigan Transportation Research Institute (UMTRI):

- Motorcycle registrations increased 45 percent in the

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Students learn about importance of booster seats

Ants, beetles and crickets are the stars of a new traffic safety campaign aimed at preschoolers and elementary-age children, encouraging them to ride in booster seats. The Michigan Office of Highway Safety Planning (OHSP) launched the child-centered campaign at Cumberland Elementary School in Lansing as part of national Child Passenger Safety Week, February 12-18.

Students received copies of the new coloring book and stickers featuring the "Booster Bugs"—Auto Ant, Booster Beetle and Click-It the Cricket.

In the short coloring book story, the bugs find themselves in the oversized world of humans. Just as the things they encounter are too big for them, they point out how adult-sized safety belts are too big for young children.

"The Booster Bug materials were designed to appeal to children and teach them about how booster seats keep them safe," said Michael L. Prince, OHSP Division Director. "Booster seats are often a forgotten step in child passenger safety, and we're always looking for ways to show children and adults how important they are."

The Central Michigan University Educational Materials Center developed the coloring book, stickers and a Click-It the Cricket costume through a grant from OHSP.

Booster seats lift the child up so a safety belt fits correctly. The National Highway Traffic Safety



Lansing Police Officer Scott Ellis speaks to students at Cumberland Elementary in Lansing about using booster seats and wearing safety belts every time they get into a vehicle with the help of Click It the Cricket.

Administration (NHTSA) recommends booster seats in the back seat for children from about age 4 and 40 pounds to at least age 8, unless the child is 4'9".

Children ages 4-8 who use booster seats and safety belts are 59 percent less likely to be injured in a car crash than children who are restrained only by a safety belt, according to NHTSA.

To order OHSP's new Booster Bug and other child passenger safety materials, please visit www.michigan.gov/ohsp and click on "Traffic Safety Materials." Materials are free of charge to Michigan residents.

NHTSA releases new crash test and rollover ratings

The National Highway Traffic Safety Administration (NHTSA) has released new crash test and/or rollover ratings for 42 model year 2006 vehicles – 16 passenger cars, 17 sport utility vehicles, four vans, and five pickups – and two early release model year 2007 sport utility vehicles.

Results are available at the agency's web site www.safercar.gov.

The tests use a one to five star rating system, with five being the highest rating in both crash and rollover testing. Front and side star ratings indicate the chance of a serious injury to the occupant.



Click It the Cricket displays the new coloring book being distributed by the Michigan Office of Highway Safety Planning.



Football fans view the traffic safety commercial they taped at Super Bowl XL's NFL Experience at Detroit.

Super Bowl fans score traffic safety touchdowns

Football fans celebrating the Super Bowl XL at the NFL Experience in Detroit had the opportunity to promote safety belt use and sober driving by taping their own traffic safety commercials.

The promotion was a collaborative effort between the Office of Highway Safety Planning, the National Football League (NFL), the Techniques for Effective Alcohol Management Coalition (TEAM), Recording Artists, Actors and Athletes Against Drunk Driving and the National Highway Traffic Safety Administration to remind everyone to act responsibly by designating a sober driver.

Fans who taped safety belt messages were provided with copies of the tapes and had the opportunity to have their photos

taken as souvenirs. More than 100 individuals took part in the taping.

TEAM and OHSP also sponsored a "Fans Don't Let Fans Drive Drunk" poster contest promotion advertised in Farmer Jack, CVS, Meijer and Rite Aid stores in Michigan.

The contest was part of the Responsibility Has Its Rewards awareness campaign. More than 90,000 NFL fans participated in the designated driver programs offered during home games at NFL stadiums nationwide.

The contest offered participants who pledged to designate a sober driver the opportunity to win tickets to Super Bowl XL.

Those attending the NFL Experience also had the opportunity to enter the contest.

Increasing safety belt use is May focus

Increasing the state's safety belt use rate to 95 percent will be the focus of the annual statewide effort beginning in May.

The *Buckle Up or Pay Up, Click It or Ticket* safety belt mobilization runs May 22-June 4. Safety belt enforcement zones will be in effect in fifty-five counties across the state. Overall, more than 500 law enforcement agencies will concentrate enforcement efforts on safety belt violations.



Michigan's safety belt use rate currently stands at a record high 93 percent. Increasing it to 95 percent could save approximately 20 more lives, and make Michigan among the leaders in safety belt use in the nation.

The Michigan Office of Highway Safety Planning is coordinating the effort. Outreach efforts will include a newly created communications kit being shipped out to traffic safety partners mid-April.

Safety Network is published quarterly by the Michigan Office of Highway Safety Planning
Vol. 13, No. 1
Editor: Lynn Sutfin

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Independent test requests in OWI cases increasing

By David Wallace, *Traffic Safety Training Attorney,*
Prosecuting Attorney's Association of Michigan

As reported in my last column, independent testing requests in OWI cases seem to be on the rise. More and more defendants are taking advantage of their absolute right to a test of their own choosing after taking a test chosen by the officer. A recent unpublished case brought that point home very sharply. In *People vs Quada*, (unpublished case) case number 256068, released January 10, 2006, the court of appeals looked at a request by a defendant made after an extended amount of time had passed.

The defendant was arrested at 1:56 a.m. He took a blood draw at the request of the officers, and then requested an independent blood test. To do the test, he requested his mother-in-law be the one to draw the blood. She arrived at the jail at approximately 5:45 a.m. (Because of other issues, she was not called until shortly after 4 a.m.) She then requested that a local hospital allow her to draw the defendant's blood using the hospital's equipment. At first the hospital refused. Later arrangements were made and then the law enforcement agency refused to transport the defendant. At that point, it was between 7 a.m. and 9 a.m. In dismissing the case, the court of appeals stated:

'To the extent that the passage of time reduces the probative value of the test, the diminution goes to weight, not admissibility, and it is for the parties to argue before the finder of fact.' This pronouncement militates against recognizing some right of the police to deny a suspect a requested independent chemical test because the police feel that too much time has elapsed. (emphasis added)

In other words, the court said it is not up to the law enforcement community to determine if too much time has passed; it is up to the courts, after a test has been done. Then the parties are free to argue it in the courtroom.

The other big issue of late is "Daubert." Daubert is a U.S. Supreme Court Case (*Daubert v. Merrell Dow Pharmaceuticals*) which determines the guidelines for the admissibility of scientific evidence in the court. Before October 2004, Daubert did not apply to the courts in Michigan. Now it does, and as a result the defense bar is challenging anything with a scientific background using this new rule. A recent example of this is in Wayne County. There, a Daubert challenge was made to the DataMaster Instrument. After taking testimony for over a year, the Circuit Court ruled that the DataMaster Instrument does not meet the requirements under Daubert and the Michigan Rules of Evi-

dence.

Now before you go out to buy a new instrument or start doing blood tests on every defendant, this ruling does not mean the sky is falling. The impact of this ruling is that it is only binding on the circuit court that made the ruling. It is not binding on the district courts, or the other circuit courts in the state.

Will it be used by the defense bar to argue the exclusion of the DataMaster in other courts? Of course it will. But it is up to the various courts to decide if it is a valid decision or not. The case is being appealed to the Court of Appeals. Also a similar motion has been filed in Marquette County on the DataMaster. At the time of this writing, there has been no decision since the hearing is still on-going.

Finally, there has been a lot of "talk" lately about an issue that hit Florida and a few other states on their breath testing instruments. The issue is "source codes." Successful challenges over the software that powers breath-testing machines in Florida have blocked more than 1,000 DUI convictions over the past year and experts told *Lawyers Weekly USA* that similar fights are erupting across the country. However, this should NOT be an issue to the courts in Michigan.

First, we have different discovery rules than Florida, second it is a different instrument than the one used in Florida which means a different company, and third and most importantly, the company here is willing to work with us and the courts to ensure that there are no similar problems.

If you have this issue come up, do not hesitate to contact me at wallaced@michigan.gov or (517) 334-6060, ext. 827.

Consult your prosecutor before adopting practices suggested by reports in this article. The court decisions in this article are reported to help you keep up with trends in the law. Discuss these statutes and cases with your commanding officers, police legal advisors, and the prosecuting attorney before changing your practices in reliance on a reported court decision or legislative change.



Report: Most child safety seats used incorrectly

Although nearly 80 percent of Michigan children use child safety seats when riding in vehicles, 71.4 percent of the devices are installed incorrectly, according to a new report prepared for the Michigan Office of Highway Safety Planning (OHSP).

The Wayne State University-Transportation Research Group determined the state's 79.7 percent use rate by conducting observational and interview surveys from April to August 2005.

The findings show that more children are riding in child safety seats and more are being installed correctly than in 1997, when the University of Michigan Transportation Research Institute found 74.5 percent of children restrained and 88.5 percent of those child restraint devices installed incorrectly.

"Child safety seats that are installed incorrectly don't fully protect children in traffic crashes," said Michael L. Prince, OHSP division director. "Child restraint devices—and their proper use—are the best way to prevent one of the leading causes of children's death."

The study found that drivers who buckle up are more likely to restrain children as well. About half of drivers who did not wear a safety belt used a child restraint device, while 81.2 percent of drivers who wore a safety belt also



restrained their children.

Other findings include:

- Pick up drivers were the least likely group to use child safety seats, with a 53 percent use rate. Van/minivan drivers are the most likely at 87.9 percent.
- Men (76.9 percent) are less likely than women (81.1) to have children in safety seats.
- Child safety seat use increases with the driver's age. Drivers ages 16-29 (74.6 percent) are less likely to use child safety seats than ages 30-59 (82.4) or 60+ (84.4).
- The most common misuse errors are loose tethers (52.1 percent), tethers that are routed incorrectly (50.0), harness retainer clips not at the armpit level (28.6) and loose harness straps (24.8).

Michigan law requires the use of child safety seats for children under 4 years old. For a copy of the full report, visit www.michigan.gov/ohsp.

OHSP, SOS promoting motorcycle safety

The Michigan Office of Highway Safety Planning and the Department of State are collaborating on a motorcycle safety project to help increase motorist awareness of motorcycle riders. A new logo, poster with a "share the Ride" theme, brochure, and flyer are being developed for distribution in the spring. The materials will be sent to

the Secretary of State branch offices statewide, as well as motorcycle dealerships and motorcycle safety training course instructors. The campaign's goal is to increase motorcycle safety by getting drivers of passenger cars to watch for motorcycles on the road, and educating motorcyclists on how to stay visible.

IN BRIEF

2005 OHSP annual report is online

The Office of Highway Safety Planning's 2005 Annual Evaluation Report, "Traffic Safety . . . The Road to Healthy Living," is available at www.michigan.gov/ohsp.

The report provides information about projects, goals, accomplishments, and activities conducted by OHSP to promote traffic safety in Michigan.

CPS roll call videos shipping soon

A ten-minute roll call video for law enforcement officers will soon be shipped to every law enforcement agency in Michigan. The video includes information about Michigan's Child Passenger Safety laws and "best practices." Agencies will also receive an updated guide on the safety belt law and a Child Passenger Safety Best Practices card they can take out on patrol.

WHAT'S AHEAD

April

- 2 - 8 National Work Zone Awareness Week
<http://safety.fhwa.dot.gov>
- 7 National Alcohol Screening Day www.nih.gov
- 23 - 29 National Tire Safety Week

May

- National Bike Month
www.bikeleague.org/index.cfm
- Motorcycle Safety Awareness Month www.nhtsa.gov
- 22 - June 4 Click It or Ticket safety belt mobilization
www.michigan.gov/ohsp

Michigan Traffic Safety Summit draws largest crowd ever



NASCAR racing legend Ernie Irvan shares his story during the 11th Annual Michigan Traffic Safety Summit. Irvan suffered two traumatic brain injuries during his career and is now an advocate who seeks to help prevent these types of injuries through his Race2Safety Foundation.

NASCAR champion Ernie Irvan shared his story of triumph, both on the race track and off in front of a record crowd at the 11th annual Michigan Traffic Safety Summit February 28-March 1.

Irvan spoke to the audience about his experiences as a NASCAR driver and the career-ending traumatic brain injuries he suffered which led to his retirement and the creation of the Race2Safety Foundation. Race2Safety promotes awareness and prevention of head injuries. Irvan urged the audience to promote the use of bicycle helmets to help prevent these types of injuries.

The two-day event drew one of its largest crowds ever with more than 360 traffic safety advocates in attendance. The conference also featured a live demonstration of advanced patrol car technology and a discussion of how cars and roads will ultimately work together to reduce the likelihood and severity of crashes.

The Summit is an opportunity for Michigan's traffic safety professionals to come together to learn from one another. Those in attendance included law enforcement, engineers, and advocates.

MADD's first male president receiving warm welcome

A trip to Michigan helped make it clear to MADD National President Glynn Birch what being the first male president of the organization meant to others.

Birch attended MADD's Strides for Change walk in Detroit in September where he met a family who quickly showed him the importance of his new position.

"The husband only came to the walk because there was now a man as the president of MADD," Birch said. "He knew I could relate to him and his loss."

Birch became involved with MADD 15 years ago following the death of his 21-month-old son due to drunk driver. On May 3, 1988, Birch's son, Courtney, followed two older cousins outside at the sound of a passing ice cream truck. A drunk driver with a blood alcohol level of .26 came barreling down the street at 70-miles-per-hour and hit Courtney, killing him instantly.

During the trial, Birch's attorney suggested he contact MADD. With their help he wrote a victim impact statement that helped send the driver to prison for 15 years.

Following the trial, Birch began serving as a



Glynn Birch

volunteer speaker for the MADD Central Florida Chapter. In 1998, he was elected to the chapter's board of directors and then in 1999 he became chapter president. In 2000, he was elected to the MADD National Board of Directors, serving on various committees. In 2005, he became the first male and minority president in the organization's 25-year history.

"It's been a great experience representing such a great organization that has accomplished so much," Birch said. "One of the best things is the people giving me the seal of approval when I visit their areas. They've reacted quite well to my being the first male president of MADD."

Birch visited Michigan a second time in December for the Red Ribbon kickoff at the Capitol. He complimented the state during his stop, saying he was encouraged by its progress in addressing drunk driving. Michigan has experienced decreases in fatalities and injuries involving alcohol and/or drugs for three consecutive years. In 2004, alcohol- and drug-related traffic fatalities fell 5 percent and injuries were reduced by 7 percent.

Birch also talked about his goal during his tenure as president.

"During the three years I'm president, my goal is a 25 percent reduction in alcohol-related fatalities," he said. "I believe it can be done. MADD gives us such hope that drunk driving can be resolved. We just need to get everyone involved."

U.S. DOT's Nason nominated to lead NHTSA

Nicole Nason, Transportation Secretary Norman Y. Mineta's chief legislative liaison, was nominated by President George W. Bush in January to serve as administrator of the National Highway Traffic Safety Administration.

Nason has served as Assistant Secretary for Governmental Affairs for the U.S. DOT since 2003. In this position, she has been responsible for oversight of congressional affairs, coordinating all legislative and non-legislative relationships between the Department and Congress, and directing the presentation of the Department's legislative program.

The office also works closely with state and local governments, other federal agencies, public and special interest groups, transportation associations and non-profit organizations.

Nason came to DOT from the U.S. Customs Service, where she was Assistant Commissioner of the Office of Congressional Affairs. She also served as

counsel for the House Judiciary Committee under Chairman Henry Hyde of Illinois and as counsel and communications director for Intelligence Committee Chairman Porter Goss of Florida.

Previously, Nason served as government affairs counsel for the Metropolitan Life Insurance Company.

She earned her bachelor's degree at American University and her law degree at Case Western University Law School. She is married and has two daughters.

Nason is credited with helping shape the federal highway bill approved by Congress last year that includes several safety measures, including requirements for stability standards to prevent rollovers and measures targeting drunken driving and seat belt use.



Nicole Nason

Ad Council, U.S. DOT team up for new buzzed driving PSA

After more than twenty years of the highly successful "Friends Don't Let Friends Drive Drunk" campaign, The Advertising Council and the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) have expanded the focus of their Drunk Driving Prevention campaign to target "buzzed driving."

In continuing efforts to prevent drunk driving, NHTSA and the Ad Council have evaluated ways to extend the reach of the campaign, which has been accomplished by focusing on individual responsibility in an effort to reduce impaired driving.

The "buzzed driver" is one who drinks too much and drives, but does not consider himself a hazard on the roadway or a drunk driver because he believes his drinking is "moderate." The expanded campaign is designed to correct that perception, by instilling the notion that if you are "buzzed," you're too impaired to drive safely.

"The Drunk Driving Prevention campaign is one of the most successful campaigns in our country's history," according to Peggy Conlon, Ad Council President and CEO. "Buzzed drivers don't equate themselves with the drunk drivers that they would condemn, even

though the statistics show that their behavior can be just as dangerous. I am confident that this new creative will communicate to buzzed drivers that even a few drinks can have devastating consequences."

The PSAs feature people who are visibly drunk and should obviously not be behind the wheel of a car, and then show people who are "buzzed" and may not recognize that they are too impaired to drive. The ads conclude with the tagline "Buzzed Driving is Drunk Driving."

To view the PSAs, please visit www.adcouncil.org/campaigns/buzzed_driving/.

DOT seeks innovative research proposals from America's small businesses

Nearly \$1 million in grant funding from the U.S. Department of Transportation (DOT) is available to small companies for development of research and technology solutions to transportation challenges facing the nation.

Past grant winners have developed safer emergency exit windows for rail passenger cars, devices used by highway maintenance departments to measure pavement

strength and resilience, and an automated system to reduce congestion and manage access on America's highways.

The Small Business Innovative Research (SBIR) program provides funding to small businesses to develop commercially viable technologies that will meet federal research and development needs. The goal of the program is to ensure that technologies developing

out of this unique program will focus on safer, simpler and smarter transportation solutions.

Research proposals from U.S.-owned businesses of no more than 500 employees are due by May 2. Grant awards will be made in October.

Solicitation topics and materials can be found and downloaded online at www.volpe.dot.gov/sbir/current.html.

Despite overall improvements, motorcycle fatalities on the rise

Continued from page 1

six year period, with the largest increase among ages 45-64.

- Motorcyclists below age 19 had the highest crash rate.
- About 44 percent of crash-involved motorcyclists were not legally licensed to operate a motorcycle.

A preliminary data review has not provided a definitive cause or causes for 2005's dramatic increase in motorcycle fatalities. OHSP is conducting a detailed analysis of 2005 motorcycle crashes. The agency will also ask UMTRI to update its Motorcycle Crash Trends report to include 2003-05 data.

In addition, Michigan conducted a comprehensive review of its motorcycle safety and education programs in 2005. Findings from that review are being used to develop a strategic plan which should be complete in late spring.

Other activities currently underway to address motorcycle issues in Michigan include:

- A motorcycle helmet survey being conducted by Wayne State University this summer.
- New motorcycle safety education materials being developed through a joint project by OHSP and the Department of State's Motorcycle Safety Program.

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